HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.19440 of 2007

17.9.2007

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Between

Sri V.Kalappa ..Petitioner

AND

The Government of A.P. represented by its Principal Secretary, Social Welfare Department and others ..Respondents

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:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.19440 of 2007

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Social Welfare.

Against the orders passed by the District Collector and Magistrate, Medak District at Sanga Reddy in his proceedings C2/CV/911/1998-1 dated 4.5.2007 canceling the social status certificate issued in favour of the writ petitioner recognizing him as a member belonging to 'Mala' community and consequently as belonging to the Scheduled Caste, the writ petitioner herein has preferred an Appeal under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 to the State Government. The Hon'ble Minister for Social Welfare, who had entertained an Appeal, had also granted stay of further proceedings of the Collector on 14.8.2007. But unfortunately, without any further notice either to the writ petitioner or counsel who is appearing for the petitioner, the Hon'ble Minister seems to have re-considered his orders granting stay and seems to have cancelled the same by another order passed on 17.8.2007. No reasons are assigned either for granting stay or for subsequently canceling the same. Since any order passed once can only be cancelled after complying with the principles of natural justice, it follows that the latter order passed by the Hon'ble Minister for Social Welfare

canceling the earlier stay of operation of the orders of the District Collector cannot be recalled or cancelled unilaterally. The learned counsel for the petitioner has also informed that though the hearing is fixed for the Appeal to 17.9.2007, but however, the same has been adjourned as the Hon'ble Minister for Social Welfare was away from Hyderabad on an urgent work.

In these set of circumstances, I consider it appropriate to direct the Government to deal with the Appeal of the writ petitioner as expeditiously as possible and decide the same on merits on or before 31.1.2008. But however, till such time the Appeal is decided, the orders of stay granted initially on 14.8.2007 by the Hon'ble Minister for Social Welfare will be in operation, notwithstanding the subsequent cancellation on 17.8.2007.

With this, the writ petition stands disposed of. No costs.

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NOOTY RAMAMOHANA RAO.J.

Note: Furnish copy of this
Order within four days.
(bo)
17.9.2007
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